

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

**JAMES ZIMMERMAN, MARV  
PINZON, and WILLIAM G. VAZQUEZ,**

**Plaintiffs,**

**v.**

**ROBERT R. ROCHE, ASHFORD S.  
MCALLISTER, FRANK A. FERRARO,  
E. SCOTT PRETORIUS, QUANTUM  
MEDICAL RADIOLOGY, P.C., U.S.  
TELERADIOLOGY, L.L.C., U.S.  
MAMMO, L.L.C., NEUROSTAR  
SOLUTIONS, INC., NIGHTHAWK  
PHYSICIAN INVESTORS, LLC, and  
JOHN DOES 1 through 10,**

**Defendants.**

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**QUANTUM MEDICAL RADIOLOGY,  
P.C.,**

**Counterclaim-Plaintiff,**

**v.**

**JAMES ZIMMERMAN, MARV  
PINZON, WILLIAM G. VAZQUEZ,  
JOSEPH CHRISTOPHER RUDÉ, III,  
and GEORGIA IMAGING  
ASSOCIATES, INC.,**

**Counterclaim-Defendants.**

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**Civil Action No. 09-CV-0605-AT**

**NOTICE OF TAKING THE DEPOSITION OF U.S. TELERADIOLOGY,  
L.L.C., P.C. PURSUANT TO FED. R. CIV. P. 30(b)(6)**

PLEASE TAKE NOTICE that, pursuant to Fed. R. Civ. P. 30(b)(6) that Plaintiffs by their undersigned counsel, will take the deposition upon oral examination of Defendant U.S. Teleradiology, L.L.C. (“UST”), regarding the matters for examination set forth in Schedule A, attached hereto. Pursuant to Fed. R. Civ. P. 30(b)(6), UST is required to designate one or more officers, directors, or managing agents, or designate other persons who consent to testify on its behalf regarding such matters.

PLEASE TAKE FURTHER NOTICE that the deposition will take place on Thursday, December 29, 2011, at 10:00 o’clock a.m. at the offices of ARNALL GOLDEN GREGORY LLP, 171 17<sup>th</sup> Street, N.W., Suite 2100, Atlanta, Georgia 30363, and will be taken before a notary public or other officer authorized by law to administer oaths, will be stenographically recorded and may be recorded on audio and/or videotape. You are invited to attend and cross-examine.

This 8th day of December, 2011.

KASOWITZ, BENSON, TORRES & FRIEDMAN, LLP

By: /s/ Paul G. Williams

David E. Spalten

Georgia Bar No. 669010

Paul G. Williams

Georgia Bar No. 764925

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*Attorneys for Plaintiffs*

## **SCHEDULE A**

### **DEFINITIONS AND TERMS**

(a) **Defendants.** As used herein, the terms “Defendants,” shall refer to Robert R. Roche (“Roche”), Ashford S. McAllister (“McAllister”), Frank A. Ferraro (“Ferraro”), E. Scott Pretorius (“Pretorius”), Quantum Medical Radiology, P.C. (“QMR”), U.S. Teleradiology, L.L.C. (“UST”), U.S. Mammo, L.L.C. (“USM”), Neurostar Solutions, Inc. (“Neurostar”), and Nighthawk Physician Investors, LLC (“Nighthawk”) and their attorneys, agents, representatives, or anyone acting or purporting to act in any manner on their behalf. Each of the Defendants shall be referred to individually as a “Defendant.”

(b) **QMR.** The term “QMR” refers to Defendant Quantum Medical Radiology, P.C., as well as its past and present parent corporations, subsidiaries, affiliates, directors, officers, members, employees, agents, consultants, partners, representatives, and/or attorneys.

(c) **UST.** The term “UST” refers to Defendant U.S. Teleradiology, L.L.C. as well as its past and present parent corporations, subsidiaries, affiliates, directors, officers, members, employees, agents, consultants, partners, representatives, and/or attorneys.

(d) USM. The term “USM” refers to Defendant U.S. Mammo, L.L.C., as well as its past and present parent corporations, subsidiaries, affiliates, directors, officers, members, employees, agents, consultants, partners, representatives, and/or attorneys.

(e) Plaintiffs. As used herein, the term “Plaintiffs” shall refer to Plaintiffs James Zimmerman (“Zimmerman”), Marv Pinzon (“Pinzon”), and William G. Vazquez (“Vazquez”), and/or their attorneys, agents, representatives, or anyone acting or purporting to act in any manner on their behalf.

(f) Counterclaim Defendants. As used herein, the term “Counterclaim Defendants” shall refer to James Zimmerman (“Zimmerman”), Marv Pinzon (“Pinzon”), William G. Vazquez (“Vazquez”), Joe Christopher Rudé (“Rudé”) and Georgia Imaging Associates, P.C. (“GIA”), and/or their attorneys, agents, representatives, or anyone acting or purporting to act in any manner on their behalf.

(g) Action. As used herein, the term “Action” shall refer to the above-captioned litigation *Zimmerman et al. v. Roche et al.*, Civil Action No. 09-CV-0605-AT, United States District Court for the Northern District of Georgia, Atlanta Division.

(h) Document. As used herein, the term “document” shall mean any and every writing, record, or tangible thing of every type and description that is or has been in your possession, control, or custody or the possession, control, or custody of anyone acting or purporting to act on your behalf in any manner, including one or more of your attorneys, agents or representatives, or of which you have information or knowledge, including without limitation: correspondence, memoranda, letters, papers, communications, tapes, stenographic or handwritten notes, studies, publications, books, pamphlets, maps, graphs, charts, reports, surveys, minutes or statistical compilations, invoices, contracts, agreements, purchase orders, bulletins, circulars, diaries, and instructions, as well as any form of any electronic, digital, or any other audiovisual media, including without limitation pictures, films, magnetic diskettes or tapes, CDs, DVDs, cassettes, tapes, computer cards, emails or any other data compilation from which information can be obtained or translated, if necessary, into reasonably usable form by detection devices; as well as every draft or copy of any document described above that is not identical to the original identified or produced in response to this request, or any draft or copy that contains any commentary or notation whatsoever that does not appear in the original identified or produced in response to this request.

(i) Relevant time period. Unless otherwise stated in a given discovery request, the relevant time period applicable to these requests is from January 1, 2002 through the present.

(j) Communication. As used herein, the term “communication” shall include any oral utterance made, heard, or overheard whether in person, by telephone, or otherwise, as well as every document and any other mode of intentionally or unintentionally conveying meaning.

(k) And and Or. As used herein, the terms “and” and “or” shall mean “and/or” and shall be used conjunctively or disjunctively in order to broaden their meaning.

### **DEPOSITION TOPICS**

1. Please identify and make available for deposition the Custodian of Records or other such person who is best qualified to testify regarding the authenticity and creation of the documents UST produced or other Defendants produced on behalf of UST to Plaintiffs in connection with this Action.

2. Please identify and make available for deposition the person best qualified to testify regarding the contents of UST’s financial and accounting records and the transactions reflected therein.

3. Please identify and make available for deposition the person best qualified to testify regarding UST's corporate, common ownership, common management, financial, banking, credit, and any other relationships with any and all other Defendants.

4. Please identify and make available for deposition the person best qualified to testify regarding UST's corporate, common ownership, common management, financial, banking, credit, and any other relationships with Plaintiffs and/or Counterclaim Defendants.

5. Please identify and make available for deposition the person best qualified to testify regarding all of UST's financial, business and any other transactions of any type with any and all other Defendants.

6. Please identify and make available for deposition the person best qualified to testify regarding all of UST's financial, business and any other transactions of any type with Plaintiffs and/or Counterclaim Defendants.

7. Please identify and make available for deposition the person best qualified to testify regarding any and all of UST's written and any other communications with any and all other Defendants.



8. Please identify and make available for deposition the person best qualified to testify regarding any and all of UST's written and any other communications with Plaintiffs and/or Counterclaim Defendants.

9. Please identify and make available for deposition the person best qualified to testify regarding any and all of UST's written and any other communications with any non-party regarding the potential sale of UST to any non-parties.

10. Please identify and make available for deposition the person best qualified to testify regarding any and all marketing efforts and marketing materials regarding the potential sale or transfer of ownership interests in UST to any non-parties.

11. Please identify and make available for deposition the person best qualified to testify regarding any and all UST marketing efforts and marketing materials regarding UST's services.

12. Please identify and make available for deposition the person best qualified to testify regarding any and all efforts by UST to sell or otherwise dispose of UST to any non-parties.

13. Please identify and make available for deposition the person best qualified to testify regarding the contents, substance and creation of UST's billing records and practices.

14. Please identify and make available for deposition the person best qualified to testify regarding UST's management and employment practices.

15. Please identify and make available for deposition the person best qualified to testify regarding the patient population that UST serves and any perceived competition between UST and QMR.

16. Please identify and make available for deposition the person best qualified to testify regarding UST's inception, creation, capitalization and operating history.

17. Please identify and make available for deposition the person best qualified to testify regarding any property, assets or employees UST shares or has shared with any other Defendant, including but not limited to office space, intellectual property, trade secrets and bank accounts.

18. Please identify and make available for deposition the person best qualified to testify regarding any property or assets UST uses or used that are owned in whole or in part or otherwise belong to any other Defendant, including

but not limited to office space, intellectual property, trade secrets and bank accounts.

19. Please identify and make available for deposition the person best qualified to testify regarding UST's Board of Directors' and/or shareholders' decision to form UST.

20. Please identify and make available for deposition the person best qualified to testify regarding the facts underlying the actions of UST's Board of Directors during UST's negotiations with Plaintiffs relating to their shareholder status in UST and their potential entries into shareholder agreements with UST, including but not limited to buy-in amounts and conditions of ownership.

**CERTIFICATE OF SERVICE**

I hereby certify that I electronically filed the foregoing NOTICE OF TAKING THE DEPOSITION OF U.S. TELERADIOLOGY, L.L.C. PURSUANT TO FED. R. CIV. P. 30(b)(6) with the Clerk of Court using the CM/ECF system which will automatically send electronic notification of this filing to the following attorneys of record:

<p>Henry M. Perlowski Edward A. Marshall ARNALL GOLDEN GREGORY LLP 171 17th Street, N.W. Suite 2100 Atlanta, Georgia 30363</p> <p><i>Attorneys for Robert R. Roche, Ashford S. McAllister, Frank A. Ferraro, E. Scott Pretorius, Quantum Medical Radiology, P.C., U.S. Teleradiology, L.L.C., U.S. Mammo, L.L.C., and Nighthawk Physician Investors, LLC</i></p>	<p>Arthur D. Brannan Scott Lange DLA PIPER LLP (US) One Atlantic Center 1201 West Peachtree Street Suite 2800 Atlanta, Georgia 30309-3450</p> <p><i>Attorneys for Defendant Neurostar Solutions, Inc.</i></p>
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This 8th day of December, 2011.

/s/ Paul G. Williams  
Paul G. Williams  
Georgia Bar No. 764925